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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,050	08/12/2002	Dany Ray	Q68978	6570

23373 7590 06/07/2005

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EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,050	Applicant(s) RAY ET AL.	
	Examiner Frederick C. Nicolas	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1 and 3-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/2004</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Fig. 2</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-10, filed 7/22/2004, with respect to the rejection(s) of claim(s) 1-7, 9, 12 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gueret 6,073,805.

Election/Restrictions

2. The withdrawal of claims 8 and 11 from the last Office Action have been withdrawn and claims 8 and 11 have been added to the elected claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-6, 8-9, 11-12, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gueret 6,073,805.

Gueret discloses a fluid dispenser device designed to be mounted on the neck of a receptacle (4) as seen in Figure 2, which comprises a dispensing member (26), fixing means for fixing the dispensing member to the neck of the receptacle (col. 4, ll. 27-67), the dispensing member comprises a body (28) whose top end is provided with a collar

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(46) that projects outwards, the fluid dispenser device being characterized in that the fixing means comprise a substantially cylindrical ring (18) engaged on the body under the collar as seen in Figure 2, the ring being in peripheral leaktight contact with the body by being radially clamped thereon (col. 6, ll. 47-48), the ring defines a top end in abutment under the collar as seen in Figure 2, the body also forms at least one outwardly-projecting bulge situated below the collar (46) see attached Figure 2 for location of the at least one outwardly-projecting bulge, the ring being disposed between the collar and the at least one bulge so that the ring is locked therebetween as seen in Figure 2, the free top end of the ring is provided with an inside bevel to make it easier for the ring to pass over the bulge (col. 5, ll. 34-46 and as seen in Figure 2), a radial flange (20) serving into abutment against the neck of the receptacle, a socket (16) being extended downward and configured to be crimped (col. 4, ll. 11-26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gueret 6,073,805 in view of de Pous et al. 6,273,300.

Gueret in No. 6,073,805 has taught all the features of the claimed invention except that the ring is made of metal. De Pous et al. teach the use of a ring (20), where the ring is made of metal (col. 2, ll. 15-19).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gueret's ring to be a metal ring as taught by de Pous et al. in (col. 2, ll. 15-19), in order to provide a metal ring which is inexpensive to manufacture and which makes it possible to limit assembly costs.

7. Claims 10,13-14,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gueret 6,073,805 in view of Gueret 5,292,033.

Gueret in No. 6,073,805 has taught all the features of the claimed invention except that a gasket being interposed. Gueret teaches the use of a ring (212) having a flange (211), where the flange serving to come into abutment against the neck of a receptacle ® with a gasket (32) being interposed (col. 6, ll. 16-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gueret's gasket onto Gueret's dispenser device as taught by Gueret in (col. 6, ll. 16-25), in order to provide a fluid tight search between the neck and the fixing ring.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gueret 5,509,584 discloses other types of dispensing device.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
June 6, 2005

 6/6/05
Frederick C. Nicolas
Patent Examiner
Art Unit 3754

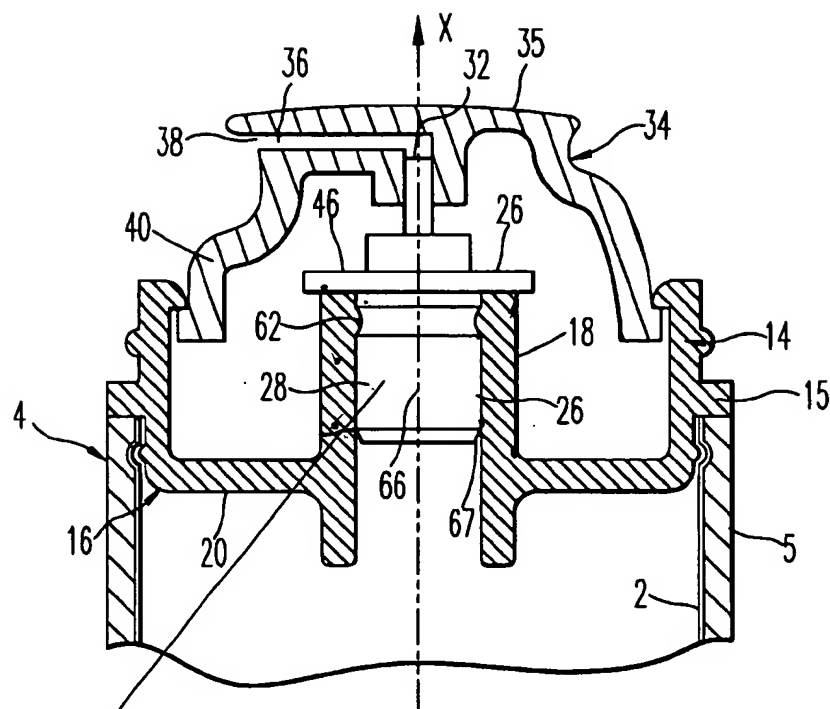


FIG. 2

at least one
outwardly-trajecting
bulge 4

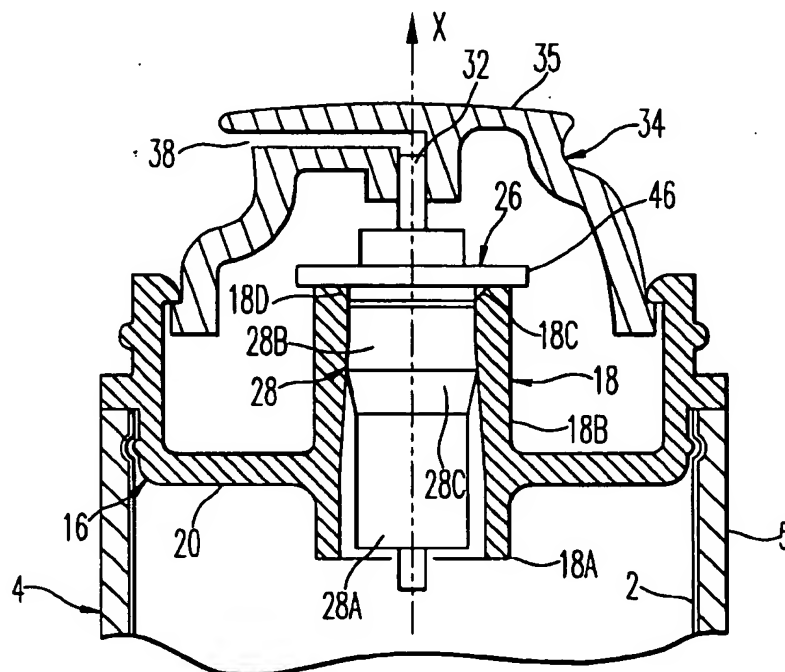


FIG. 3